

34866

Serial No. ....

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE  
STATE OF NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office JAN 12 1978

Returned to applicant for correction .....

Corrected application filed ..... Map filed JAN 12 1978The applicant Town of Kingston
Kingston Canyon of Via Austin  
Street and No. or P.O. Box No. City or Town
Nevada, hereby make application for permission to change the  
State and Zip Code No.  
 point of diversion, manner, and place of use
of water heretofore appropriated under Certificate No. 369 - Proof 02435

(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

1. The source of water is Big Smokey Creek  
Name of stream, lake or other source.
2. The amount of water to be changed 1.40 cfs  
Second feet, acre feet.
3. The water to be used for Quasi Municipal  
If for stock state number and kind of animals.
4. The water heretofore used for as decreed  
If for stock state number and kind of animals.
5. The water is to be diverted at the following point NE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 35 T.16N., R.43E., M.D.B.B.  
& M., or at a point from which the NE Cor. of said Sec. 35 bears N 44°  
Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be  
56' E - 1550 feet  
stated.
6. The existing point of diversion is located within See Certificate 369 - Issued October  
11, 1963 also attached sheet.  
If point of diversion is not changed, do not answer.

7. Proposed place of use E $\frac{1}{2}$  NE $\frac{1}{4}$  Sec. 35, S $\frac{1}{2}$  NW $\frac{1}{4}$ , S $\frac{1}{2}$  NE $\frac{1}{4}$ , N $\frac{1}{2}$  SW $\frac{1}{4}$ , N $\frac{1}{2}$  SE $\frac{1}{4}$ , Sec.  
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.  
36, T.16N., R.43E., S $\frac{1}{2}$  NW $\frac{1}{4}$ , N $\frac{1}{2}$  SW $\frac{1}{4}$ , N $\frac{1}{2}$  NE $\frac{1}{4}$ , S $\frac{1}{2}$  NE $\frac{1}{4}$ , Sec. 31, SE $\frac{1}{4}$  SE $\frac{1}{4}$ ,  
Sec. 30, SW $\frac{1}{4}$  SW $\frac{1}{4}$ , N $\frac{1}{2}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , W $\frac{1}{2}$  NE $\frac{1}{4}$ , Sec. 29, T.16N., R.44E.,  
M.D.B. & M.
8. Existing place of use See Certificate No. 369 - also attached sheet  
Describe by legal subdivisions. If presently used for irrigation, state number of acres irrigated.

 9. Use will be from January 1 to December 31 of each year.  
Day and Month Day and Month

 10. Use has been from January 1 to December 31 of each year.  
Day and Month Day and Month

 11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and  
 specifications of your diversion or storage works.) Water to be conveyed thru pipelines  
State manner in which water is to be diverted, whether by dam or other works.

 to lots  
whether through pipes, ditches, flumes, or other conduits.

12. Estimated cost of works.....\$50,000.00
13. Estimated time required to construct works.....3 years
14. Estimated time required to complete the application of water to beneficial use.....5 years
15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

At present time there are 40 lots served

Compared iv/ga.....ja/sj.....Applicant.....Town of Kingston  
 s/ J. V. Caselli, Agent  
 Pro: 3/17/78 by Young Bros. Livestock Inc P. O. Box 201  
 Protest overruled 8/27/79, Ruling #2492 By Goldfield, NV 89013

APPROVAL..... OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the

following limitations and conditions:

This permit to change the point of diversion, place of use, and manner of use of the waters of a portion of the waters of Kingston Creek (aka Big Smoky Creek), as heretofore appropriated under Proof 02435, Certificate 369, as appears in the Kingston Creek (aka Big Smoky Creek) Adjudication, in the District Court of the Third Judicial District of the State of Nevada, in and for the County of Lander is issued subject to the terms, conditions and irrigation period imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

A suitable headgate and totalizing meter shall be installed at the point of diversion from Kingston Creek and an accurate record kept of the amount of water actually diverted from the creek. A totalizing meter must be placed at the discharge of the hydroelectric plant, and an accurate record kept of the amount of water actually returned to the main stem of Kingston Creek.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed.....1.35.....cubic feet per second, but not to exceed 231.80 acre-feet annually.

Actual construction work shall begin on or before.....September 19, 1980

Proof of commencement of work shall be filed before.....October 19, 1980

Work must be prosecuted with reasonable diligence and be completed on or before.....September 19, 1981

Proof of completion of work shall be filed before.....October 19, 1981

Application of water to beneficial use shall be made on or before.....September 19, 1984

Proof of the application of water to beneficial use shall be filed on or before.....October 19, 1984

Map in support of proof of beneficial use shall be filed on or before.....

Commencement of work filed.....OCT 27 1980  
 Completion of work filed.....  
 Proof of beneficial use filed.....  
 Cultural map filed.....  
 Certificate No.....Issued.....  
 Recorded.....Bk.....Page.....

IN TESTIMONY WHEREOF, I.....WILLIAM J. NEWMAN  
 State Engineer of Nevada, have hereunto set my hand and the seal of  
 my office, this.....19th.....day of.....MARCH.....

A.D. 19.....80.....  
 State Engineer

Claimants - E. F. Leard, 1/3 interest; L. H. Garrison and  
William Kelso, an undivided 2/3 interest

Proof No. - 02435

Source - Big Smoky or Kingston Creek

Use - Irrigation, Stock Watering and Domestic

Means of Diversion - Dams and Ditches

Points of Diversion -

1. SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 35, T. 16 N., R. 43 E., M.D.B.&M., or at a point from which the NE corner of Section 36, T. 16 N., R. 43 E., bears N. 72° 32' 20" E., 5741.90 feet.
2. SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 36, T. 16 N., R. 43 E., M.D.B.&M., or at a point from which the NE corner of said Section 36 bears N. 55° 41' 10" E., 4576.34 feet.
3. SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 36, T. 16 N., R. 43 E., M.D.B.&M., or at a point from which the NE corner of said Section 36 bears N. 51° 38' 50" E., 3762.50 feet.
4. SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 36, T. 16 N., R. 43 E., M.D.B.&M., or at a point from which the NE corner of said Section 36 bears N. 49° 30' 50" E., 3722.66 feet.
5. SW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 36, T. 16 N., R. 43 E., M.D.B.&M., or at a point from which the NE corner of said Section 36 bears N. 33° 56' 40" E., 2763.11 feet.
6. SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 36, T. 16 N., R. 43 E., M.D.B.&M., or at a point from which the NE corner of said Section 36 bears N. 17° 47' 50" E., 2301.12 feet.
7. SW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 31, T. 16 N., R. 44 E., M.D.B.&M., or at a point from which the NW corner of said Section 31 bears N. 14° 07' 10" W., 2219.73 feet.

Class of Culture - Harvest and Meadow Pasture



TRACT- ITY	CUMULATIVE ACREAGE		SUB.	SEC.	TWP. N.	RGE. E.	DUTY OF WATER	
	PRE-1900	POST-1900					C.F.S.	ACRS - CFS
1863	3.0		SE1/4NW1/4	36	16	43	0.06	12.00
"		4.4	SE1/4NW1/4	36	16	43	0.09	8.80
"	2.5		NE1/4SW1/4	36	16	43	0.05	10.00
"	8.0		SW1/4NE1/4	36	16	43	0.16	32.00
"	1.6		NW1/4SE1/4	36	16	43	0.03	6.40
"	8.9		SE1/4NE1/4	36	16	43	0.18	35.60
"		4.1	SE1/4NE1/4	36	16	43	0.08	8.20
"		2.0	NE1/4SE1/4	36	16	43	0.04	4.00
"	1.2		NE1/4SE1/4	36	16	43	0.02	4.80
"	5.9		SW1/4NW1/4	31	16	44	0.12	23.60
"		4.3	SW1/4NW1/4	31	16	44	0.08	8.60
"	13.9		NW1/4SW1/4	31	16	44	0.28	55.60
"		3.0	NW1/4SW1/4	31	16	44	0.06	6.00
"	5.9		SE1/4NW1/4	31	16	44	0.12	23.60
"		1.1	SE1/4NW1/4	31	16	44	0.02	2.20
"		0.2	NE1/4SW1/4	31	16	44	0.01	0.40
Totals	50.9	19.1					1.40	241.80

